

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

ORIGINAL

City of Granite City,  
an Illinois municipal corporation,  
Petitioner,

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)  
)  
)  
) Docket No. T02-0067  
)  
)

Illinois Department of Transportation of the State of Illinois, )  
for and in behalf of the People of the State of Illinois, )  
Gateway Eastern Railway Company, Kansas City Southern )  
Railway Company (Gateway Western Railway Company), )  
Norfolk Southern Railway Company, and Union Pacific )  
Railroad Company, )  
Respondents. )

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Illinois Commerce Commission  
RAIL SAFETY SECTION

ILLINOIS DEPARTMENT OF TRANSPORTATION'S EXCEPTIONS

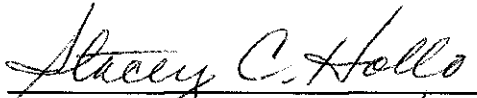
COMES NOW the Illinois Department of Transportation ("Department"), by and through its attorney Lisa Madigan, Attorney General, and pursuant to 83 Ill. Adm. Code Part 200.830, offers the following as an exception to the Administrative Law Judge's Proposed Order dated January 6, 2005:

While it is correct that the project will be locally let, state funds will be utilized to cover a portion of the project costs. Accordingly, the bidding process must be conducted in accordance with Motor Fuel Tax requirements. As presented, the Administrative Law Judge's Proposed Order is void of any language or provision mandating the City adhere to said requirements. The Department submits that the following language be added to the body of the final Order entered in this regard:

"IT IS FURTHER ORDERED that the City of Granite City shall select its contractor by competitive bid in accordance with Motor Fuel Tax requirements as set forth in Section 9-2-103 of the Illinois Municipal Code (65 ILCS 5/9-2-103).

Respectfully Submitted,  
Illinois Department of Transportation

By: Lisa Madigan  
Attorney General

  
Stacey C. Hollis  
Special Assistant Attorney General

Dated: January 13, 2005

Illinois Department of Transportation  
2300 South Dirksen Parkway, Rm. 300  
Springfield, IL 62764  
Telephone (217)782-0692

DOCKETED

JAN 18 2005

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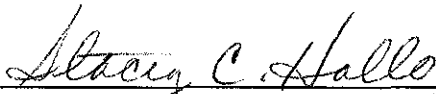
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Norfolk Southern Railway Company, and Union Pacific )  
Railroad Company, )

Respondents. )

**NOTICE OF FILING**

TO: Mack H. Shumate Jr., UP  
Eric Robertson, Atty.  
Rick Ray, NS  
Thomas W. Ambler, NS  
Judy Bearvert, KCS  
Richard E. Boyle, NS  
Paul M. Brown, Atty.  
Neil F. Flynn, Atty.  
Donald H. Gill, GE  
Dean W. Jackson, Atty.  
Dave McKernan, UP

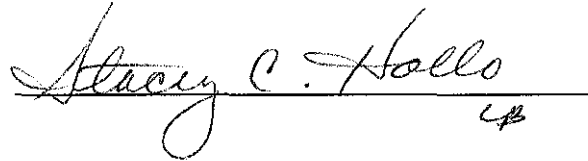
PLEASE TAKE NOTICE that I have this 13<sup>th</sup> day of January, 2005 forwarded to Mr. David Lazarides, Director of Processing, Transportation Division, of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above matter, Petitioner's Exceptions, a copy of which is attached hereto and hereby served upon you.

  
\_\_\_\_\_  
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Counsel for the Illinois  
Department of Transportation

## PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instruments was served upon the addressees listed below by mailing a true and correct copy via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 13<sup>th</sup> day of January, 2005:

A handwritten signature in cursive script, reading "Stacy C. Hallo", is written over a horizontal line. To the right of the signature, there is a small, stylized mark that appears to be "CP".

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